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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,990	04/25/2001	Moon Jung Ko	678-619 (P9628)	5575
7590	04/13/2004		EXAMINER	DANIEL JR, WILLIE J
Paul J. Farrell, Esq. Dilworth & Barrese, LLP 333 Earle Ovington Blvd. Uniondale, NY 11553			ART UNIT	PAPER NUMBER
			2686	6
DATE MAILED: 04/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/841,990	KO, MOON JUNG	
	Examiner	Art Unit	
	Willie J. Daniel, Jr.	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 February 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1-4 is/are allowed.
 6) Claim(s) 5 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Alberth et al. (hereinafter Alberth) (US 6,094,565).

Regarding **Claim 5**, Alberth discloses a power control apparatus in a communication device (102) which reads on the claimed “portable radio terminal”, comprising:

an side button (208) which reads on the claimed “external function key” located in an accessible key input position by a user (see col. 3, lines 38-44; Figs.1-2);
a power key (PWR) for controlling power (see col. 3, lines 38-44; Fig.1); and
a controller (304) which reads on the claimed “unit” for controlling the portable radio terminal (102) to be powered on in response to a key input from either said external function key (208) or said power key (PWR) (see col. 3, lines 38-44; Fig. 1) when the portable radio terminal (102) is powered-off and controlling a function of the portable radio terminal (102) to be performed in response to a key input from either said external function key (208) or said power key (see col. 3, lines 38-44; Fig. 1) when the portable radio terminal (102) is

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powered-on (see col. 3, lines 38-44, col. 4, lines 43-53; col. 5, lines 13-20, 45-47,57-62; Figs. 1-4), where the side buttons and power-key provide controlling signals to the controller when the buttons are actuated.

Allowable Subject Matter

2. Claims 1-4 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **Claim 1**, Alberth et al. discloses a power control apparatus in a foldable portable radio terminal (102) which includes a main body (110), a sub-body (112), a key-pad (137) including a power key (see col. 3, ln. 38-44; Fig. 1) on the main body (110), an external function key (208) which can be key-inputted by a user even if the sub-body (112) is closed onto the main body (110), as discussed in col. 2, ln. 60 - col. 3, ln. 55; col. 4, ln. 43-53; and as shown in Figs. 1, 2, 3 and 4.

The applied reference fails to disclose or render the obvious, said power control apparatus comprising: a first switch; a second switch; and a control unit for controlling said first and second switches according to a powered-on/off state of the terminal; wherein one end of each of said first switch and said second switch is connected in common at a first node connected to the external function key and the other end of said first switch is connected to a first input end of said control unit, and the other end of said second switch and the power key are connected in common via a second node connected to a second input end of said control unit..

Regarding **Claim 3**, Lim discloses a power control apparatus in a portable radio terminal (1) which can be folded in an automatic and manual manner and includes a main body (3), a sub-body (2), a key-pad (see Fig. 5) including a power key (see Fig. 5, which shows multiple function or manipulation keys, as discussed in col. 1, ln. 39-44; col. 4, ln. 60-

63) on the main body (3), and an automatic sub-body switch (5) for automatic sub-body opening/closing in a position where a user can key-input even if the sub-body (2) is closed onto the main body (3), as discussed in col. 4, ln. 55-64; col. 5, ln. 6-25; col. 8, ln. 9-16, 50-57; col. 11, ln. 7-15; col. 13, ln. 22-29; and as shown in Figs. 5, 6, 8, 12, 16, and 18.

The applied reference fails to disclose or render the obvious, said power control apparatus comprising: a first switch; a second switch; and a control unit for controlling said first and second switches according to a powered-on/off state of the terminal; wherein one end of each of said first switch and said second switch is connected in common at a first node connected to the automatic sub-body switch and the other end of said first switch is connected to a first input end of said control unit, and the other end of said second switch and the power key are connected in common at a second node connected to a second input end of said control unit.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. Applicant's arguments filed 25 February 2004 have been fully considered but they are not persuasive.

Examiner respectfully disagrees since the reference more than adequately provides support for the claim limitations. The current claim language states for the communication device to be powered on by either the power button or the external function key. Therefore the rejection is maintained.

4. Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection.
5. In response to applicants remarks on page 2, fourth paragraph, lines 1-5, Alberth teaches of using the side buttons and power key for controlling the communication device (see col. 3, lines 38-44, col. 4, lines 43-53; col. 5, lines 13-20, 45-47,57-62; Figs. 1-4), where the side buttons and power-key provide controlling signals to the controller when the buttons are actuated.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR/wjd,jr
05 April 2004

Marsa D. Banks-Harold
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